

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOHNNY RAY MAGEE

PLAINTIFF

v.

No. 4:10CV147-P-D

ROBERT STURDIVANT, ET AL.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated February 25, 2011, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than fourteen days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated February 25, 2011, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That defendants James Brewer and Dr. Dennis Gregory are **DISMISSED** with prejudice from this case.
3. The plaintiff's claims against Lt. Robert Sturdivant, Officer Gordy Montgomery, and William Cole for excessive force will proceed.

THIS, the 19th day of April, 2011.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE